



General Assembly

January Session, 2013

***Raised Bill No. 1057***

LCO No. 4018



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE STATE  
LIBRARIAN CONCERNING E-GOVERNMENT AND THE  
PRESERVATION, AUTHENTICATION AND MANAGEMENT OF  
ELECTRONIC RECORDS.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 7-34a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) Town clerks shall receive, for recording any document, ten  
4 dollars for the first page and five dollars for each subsequent page or  
5 fractional part thereof, a page being not more than eight and one-half  
6 by fourteen inches. Town clerks shall receive, for recording the  
7 information contained in a certificate of registration for the practice of  
8 any of the healing arts, five dollars. Town clerks shall receive, for  
9 recording documents conforming to, or substantially similar to, section  
10 47-36c, which are clearly entitled "statutory form" in the heading of  
11 such documents, as follows: For the first page of a warranty deed, a  
12 quitclaim deed, a mortgage deed, or an assignment of mortgage, ten

13 dollars; for each additional page of such documents, five dollars; and  
14 for each assignment of mortgage, subsequent to the first two  
15 assignments, two dollars. Town clerks shall receive, for recording any  
16 document with respect to which certain data must be submitted by  
17 each town clerk to the Secretary of the Office of Policy and  
18 Management in accordance with section 10-261b, two dollars in  
19 addition to the regular recording fee. Any person who offers any  
20 written document for recording in the office of any town clerk, which  
21 document fails to have legibly typed, printed or stamped directly  
22 beneath the signatures the names of the persons who executed such  
23 document, the names of any witnesses thereto and the name of the  
24 officer before whom the same was acknowledged, shall pay one dollar  
25 in addition to the regular recording fee. Town clerks shall receive, for  
26 recording any deed, except a mortgage deed, conveying title to real  
27 estate, which deed does not contain the current mailing address of the  
28 grantee, five dollars in addition to the regular recording fee. Town  
29 clerks shall receive, for filing any document, five dollars; for receiving  
30 and keeping a survey or map, legally filed in the town clerk's office,  
31 five dollars; and for indexing such survey or map, in accordance with  
32 section 7-32, five dollars, except with respect to indexing any such  
33 survey or map pertaining to a subdivision of land as defined in section  
34 8-18, in which event town clerks shall receive fifteen dollars for each  
35 such indexing. Town clerks shall receive, for a copy, in any format, of  
36 any document either recorded or filed in their offices, one dollar for  
37 each page or fractional part thereof, as the case may be; for certifying  
38 any copy of the same, two dollars; for making a copy of any survey or  
39 map, the actual cost thereof; and for certifying such copy of a survey or  
40 map, two dollars. Town clerks shall receive, for recording the  
41 commission and oath of a notary public, ten dollars; and for certifying  
42 under seal to the official character of a notary, two dollars.

43 (b) The fees set forth in subsection (a) of this section received by  
44 town clerks for recording documents include therein payment for the  
45 return of each document which shall be made by the town clerk to the

46 designated addressee.

47 (c) Compensation for all services other than those enumerated in  
48 subsection (a) of this section which town clerks are required by the  
49 general statutes to perform and for which compensation is not fixed by  
50 statute shall be fixed and paid by the selectmen or other governing  
51 body of the town or city in which such services are performed.

52 (d) In addition to the fees for recording a document under  
53 subsection (a) of this section, town clerks shall receive a fee of three  
54 dollars for each document recorded in the land records of the  
55 municipality. Not later than the fifteenth day of each month, town  
56 clerks shall remit two-thirds of the fees paid pursuant to this  
57 subsection during the previous calendar month to the State Librarian  
58 for deposit in a bank account of the State Treasurer and crediting to the  
59 historic documents preservation account established under section 11-  
60 8i. One-third of the amount paid for fees pursuant to this subsection  
61 shall be retained by town clerks and used for the preservation and  
62 management of historic documents. The provisions of this subsection  
63 shall not apply to any document recorded on the land records by an  
64 employee of the state or of a municipality in conjunction with said  
65 employee's official duties. [As used in this section "municipality"  
66 includes each town, consolidated town and city, city, consolidated  
67 town and borough, borough, district, as defined in chapter 105 or  
68 chapter 105a, and each municipal board, commission and taxing  
69 district not previously mentioned.]

70 (e) In addition to the fees for recording a document under  
71 subsection (a) of this section, town clerks shall receive a fee of forty  
72 dollars for each document recorded in the land records of the  
73 municipality. The town clerk shall retain one dollar of any fee paid  
74 pursuant to this subsection and three dollars of such fee shall become  
75 part of the general revenue of the municipality and be used to pay for  
76 local capital improvement projects, as defined in section 7-536. Not  
77 later than the fifteenth day of each month, town clerks shall remit

78 thirty-six dollars of the fees paid pursuant to this subsection during the  
79 previous calendar month to the State Treasurer. Upon deposit in the  
80 General Fund, such amount shall be credited to the community  
81 investment account established pursuant to section 4-66aa. The  
82 provisions of this subsection shall not apply to any document recorded  
83 on the land records by an employee of the state or of a municipality in  
84 conjunction with such employee's official duties. [As used in this  
85 subsection, "municipality" includes each town, consolidated town and  
86 city, city, consolidated town and borough, borough, and district, as  
87 defined in chapter 105 or 105a, any municipal corporation or  
88 department thereof created by a special act of the General Assembly,  
89 and each municipal board, commission and taxing district not  
90 previously mentioned.]

91 (f) In addition to the fees for recording a document under subsection  
92 (a) of this section, town clerks shall receive a fee of seven dollars for  
93 each document recorded in the land records of the municipality. The  
94 town clerk shall retain five dollars of any fee paid pursuant to this  
95 subsection which shall be deposited in a separate, nonlapsing account  
96 of the municipality and be used to pay for the preservation and  
97 management of electronic records, as defined in section 2 of this act.  
98 Not later than the fifteenth day of each month, town clerks shall remit  
99 two dollars of the fees paid pursuant to this subsection during the  
100 previous calendar month to the State Librarian for deposit in a bank  
101 account of the State Treasurer and crediting to the e-government  
102 records management account established pursuant to section 2 of this  
103 act. The provisions of this subsection shall not apply to any document  
104 recorded on the land records by an employee of the state or of a  
105 municipality in conjunction with such employee's official duties.

106 (g) As used in this section "municipality" includes each town,  
107 consolidated town and city, city, consolidated town and borough,  
108 borough, district, as defined in chapter 105 or 105a, and each  
109 municipal board, commission and taxing district not previously  
110 mentioned, provided for the purposes of subsection (e) of this section,

111 "municipality" also includes any municipal corporation or department  
112 thereof created by a special act of the General Assembly.

113       Sec. 2. (NEW) (*Effective October 1, 2013*) (a) For the purposes of this  
114 section, "preservation and management of electronic records" means  
115 activities that include, but are not limited to, the following: (1) The use  
116 of information technology to facilitate the performance of duties  
117 integral to the maintenance and tracking of electronic records; (2) the  
118 development of best practices and standards concerning the creation,  
119 maintenance and preservation of electronic records; (3) the assessment,  
120 implementation or upgrading of electronic records management  
121 systems; (4) the development of an essential records program,  
122 including disaster recovery; (5) the development and implementation  
123 of a real property electronic recording system; and (6) the training of  
124 personnel to perform duties integral to the maintenance and tracking  
125 of electronic records.

126       (b) There is established an account to be known as the "e-  
127 government records management account" which shall be a separate,  
128 nonlapsing account within the General Fund. The account shall  
129 contain any moneys required by law to be deposited in the account.  
130 Moneys in the account shall be expended by the State Librarian for the  
131 purposes of the preservation and management of electronic records,  
132 including (1) the preservation and management of records in an  
133 electronic format maintained by the State Library, and (2) the  
134 development and implementation of a state-wide electronic records  
135 management initiative for electronic records created and maintained  
136 by state agencies, municipalities and quasi-public agencies.

137       Sec. 3. Section 1-9 of the general statutes is repealed and the  
138 following is substituted in lieu thereof (*Effective July 1, 2013*):

139       No person having custody of any permanent record or register in  
140 any department or office of the state, or of any political subdivision  
141 thereof, or of any probate district, shall use or permit to be used for

142 recording purposes any paper other than alkaline paper that meets or  
143 exceeds the American National Standards Institute standards for  
144 permanent paper and meets such additional specifications as may be  
145 issued by the Public Records Administrator, unless such paper is not  
146 available. [Said administrator shall furnish to each person having  
147 custody of any such permanent record a list of such papers.] Any such  
148 person shall maintain any permanent electronic record in accordance  
149 with the authentication and preservation standards for electronic  
150 documents issued by the Public Records Administrator under section  
151 11-4d. Any person who violates any provision of this section shall be  
152 fined not more than one hundred dollars.

153 Sec. 4. (NEW) (*Effective July 1, 2013*) Except as otherwise provided  
154 by statute, "essential record" means a record necessary to (1) respond  
155 to an emergency, (2) reestablish normal operations after any such  
156 emergency, (3) protect the rights and interests of the state agency or  
157 political subdivision, and (4) protect the rights and interests of  
158 individuals for whom the state agency or political subdivision has  
159 responsibility.

160 Sec. 5. (NEW) (*Effective July 1, 2013*) (a) For the purposes of this  
161 section "public agency" means any state agency within the executive  
162 branch and any town, city, borough, district or other political  
163 subdivision of the state, including probate districts, and "essential  
164 record" has the same meaning as provided in section 4 of this act.

165 (b) In order to provide for the continuity of government during and  
166 following a disaster or other emergency, the administrative head of  
167 each public agency shall identify such agency's essential records. Each  
168 such administrative head shall transmit a list of essential records to the  
169 Public Records Administrator on a form prescribed by the Public  
170 Records Administrator. Each such administrative head shall review  
171 such list not less than annually to ensure its completeness, and shall  
172 notify the Public Records Administrator forthwith of any revisions  
173 made to such list.

174 (c) Each administrative head of a public agency shall ensure the  
175 protection of all essential records by any method approved by the  
176 Public Records Administrator. Each public agency shall incorporate  
177 the protection of essential records into any continuity of operations  
178 plan or emergency operations plan adopted by such agency.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	7-34a
Sec. 2	<i>October 1, 2013</i>	New section
Sec. 3	<i>July 1, 2013</i>	1-9
Sec. 4	<i>July 1, 2013</i>	New section
Sec. 5	<i>July 1, 2013</i>	New section

**Statement of Purpose:**

To develop and implement a state-wide electronic records management initiative for public records created and maintained by state agencies, municipalities and quasi-public agencies funded by fees from land recordings, to provide for the maintenance of permanent electronic records, to define essential record and to provide for the protection of essential records to ensure the continuity of government operations following a disaster or other emergency.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*